

## **Vessel Discharge Stakeholders Meeting**

September 16, 2003  
10:00 a.m. - 5:00 p.m.  
DEP Response Building, Augusta, Maine

### **Meeting Summary**

#### **Introductions - Name and affiliation**

##### **Opening Remarks – Hetty Richardson**

Hetty gave a brief overview of the first two meetings of the stakeholders group. She also reviewed the agenda for today's meeting.

##### **Working agreements – David Sanderson**

David reviewed the working agreements/guidelines that were defined at the July 24, 2003 meeting. These working agreements are proposed to make the stakeholder meeting process proceed smoothly and efficiently:

- Balance advocacy with inquiry
- Consensus is not required
- Open discussion
- Frequent check-ins with the group
- Off-line conversations are fine
- One person speaks at a time

##### **Follow-up on Information requests – Pam Parker**

Pam talked to the DEP in Rhode Island and found that they had decided to have the entire coast of the state designated as a No Discharge Zone because they thought that would be the easiest route to pursue. She also discussed the fact that in Rhode Island enforcement can be delegated down to the harbor master level (as long as the person is a law enforcement official). At this time Rhode Island is focusing on an education and outreach program rather than an enforcement program. A question was asked, have there been any enforcement cases in Rhode Island? There have been a few cases (all at the local enforcement level). Another question raised was if it was helping to improve the water quality. Pam stated that there has been a dramatic improvement in water quality in the Block Island Basin but there is no data statewide.

##### **Review of strawman revisions – Hetty Richardson**

Hetty reviewed the revisions in the latest strawman.

*Note: This "strawman" is for purposes of discussion and does not represent a formal position or proposal of the Maine Department of Environmental Protection.*

#### **Blackwater - NDZ**

Recommendation. Amend Chapter 655 as necessary to allow DEP to apply for a NDZ for Casco Bay by January 15, 2005, and apply for NDZs for the remaining DEP recommended areas by 2007. Reason: The focus on Casco Bay initially would allow for identification of any implementation problems, necessary improvements in educational materials, etc. The delay in designation outside Casco Bay could be used to provide public education concerning the coming designation in other areas.

## **Responses**

The reason for the NDZ designation should be listed.

There needs to be a baseline prior to implementation to see if there is improvement.

The January 2005 application date for Casco Bay is to far away. (Emphasis added)

The January 2007 date for applications for other recommended NDZs is too far in the future. (Emphasis added)

Is the EPA requirement for 1 pump-out station per 300 boats or 1 pump-out station per 300 boats with heads?

## **BLACKWATER - Outside NDZ areas**

Recommendation

1. Look at the range of effluent quantity and quality that vessels may discharge and then model that information for some areas. It is likely that such an exercise would reveal a significant potential for impact from the larger passenger vessels, probably in violation of water quality standards over significant areas of water.
2. Require annual registration of large and small commercial passenger vessels (as defined in Alaska law), regardless of whether the vessels intend to discharge. Registration should require information such as type of treatment systems (graywater and blackwater), holding capacity, passenger and crew capacity, disposal plan for solid and hazardous waste, etc.
3. The registration provision should require a fee to support the registration program, as well as provide resources for public education on subjects related to vessel discharges such as registration and licensing requirements, no discharge zones, recommended management measures, potential impacts, etc.
4. Seek supporting change in federal law to allow NPDES licensing of blackwater discharges from small and large commercial passenger vessels.
5. Once obtained, recognize that the discharge of sewage into Maine waters without a waste discharge license is currently prohibited by state law (38 MRSA 413). Extend licensing to large commercial passenger vessels that intend to discharge, consistent with existing state law, and small commercial passenger vessels if determined appropriate at that time. Have DEP establish standards in a general permit and/or individual permits, for the large commercial passenger vessels.
6. Rely upon existing statutory and regulatory standards for purposes of these licenses.
7. Effluent from large commercial passenger vessels would be required to meet the same effluent standard as is required for other dischargers to marine

waters. Currently: SA waters -- no discharge; SB & SC waters--fecal coliform 15 colonies/100 ml monthly average and 50 colonies/100 ml daily maximum).

8. Require that large commercial passenger vessels report blackwater spills to DEP.

Notes:

Fees would need to be charged to support administration of these additional licenses. It is unclear whether additional staff would be required at this point.

## **Responses**

1. Monitoring should be done right now, while there is a significant amount of cruise ship traffic.

Could a survey be done of the cruise ships that are coming to Maine this year?

The survey could inquire about business practices. What is the practice regarding discharges of any kind?

Many monitoring stations are not manned after Labor Day. Would it be possible to call volunteer monitors and ask them to keep testing?

The Bar Harbor harbormaster would be willing to do testing.

Is there a volunteer monitoring network? Could one be established?

2. Would registration be only for passenger vessels?

We need to compare cruise ship traffic with other commercial vessel traffic.

There may be many additional small commercial vessels coming to Maine soon.

Smaller, non-overnight vessels should also be included.

What about including the ferry service?

Could Coast Guard forms be used? No sense in recreating the wheel.

An activity log would be a good idea.

3. A registration fee may create opposition to the program and could derail any legislation.

4. I think we should support the effort to get a change in Federal law.

Getting a change in Federal statute will be very unlikely.

- 5/6. This is what would happen if a change in Federal law occurred. No comments.

- 7/8. Lets start with the largest vessels first to see how that works out.

Clarification for the legislative committee is a must.

If ships meet the standards would they be allowed to discharge?

We should get as much GPS data as possible on where dumping occurs.

Why only large vessels?

Logbooks for discharge activity should be instituted even if there is no registration.

Would the industry have a problem with reporting spills to DEP?

## **GRAYWATER - NDZ areas**

Recommendation.

1. By statutory amendment, prohibit discharges of graywater from the large commercial passenger vessels within Maine waters designated as federal NDZs for blackwater.

2. Require that these ships report graywater spills to DEP.

## **Responses**

Most smaller vessels have no capacity to hold gray water.

What if we focused on capacity instead of size?

All state or state assisted ferry service vessels should be included no matter what the size (state as leader).

The difference between sink and galley gray water is something that should be kept in mind.

Sometimes holding tanks can be incubators; it may be better to have a direct discharge after treatment.

Do any other states regulate gray water?

### **GRAYWATER – Outside NDZ areas**

1. Recognize that discharges are prohibited without a license under existing state law. Extend licensing to larger passenger vessels that intend to discharge, consistent with existing state law. Have DEP establish standards in a general permit and/or individual permits, for the large commercial passenger vessels first, and the small commercial passenger vessels at a later date if determined appropriate.
2. Concurrently, seek a clarification in federal law supporting Maine's ability to license the discharges of small and large commercial passenger vessels.
3. Require that these ships report graywater spills to DEP.

Notes:

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- Fees would need to be charged to support administration of these additional licenses. It is unclear whether additional staff would be required at this point.

### **Responses**

All cruise ships must have a safety and environmental plan under international law and treaties. There is outside auditing for hazardous waste.

Is there any inventory list, what goes on the ship and what leaves the ship? An annual report is submitted to EPA on a national basis (hazardous waste only).

I like the whole gray water section.

Regulation is a good idea.

What are other ports of call requiring from the vessels that come into Maine?

Trust but verify.

Alaska requires verification (done locally by the Coast Guard).

We don't want to over-regulate the smaller vessels.

Let's not forget that at some time in the future we may want to include smaller vessels.

### **AIR**

- No suggested changes to current statute or rule at this time.
- No discharge of oil contaminated effluent is currently permitted within 3 miles without a license meeting specified statutory criteria. Maine's existing statutory standard is stricter than federal law, and more work needs to be done to provide education and enforcement of the standard. This is unlikely to occur within existing resources.

Jeff Crawford of DEP's Air Bureau discussed any possible changes to state regulations for air quality. One area that the state could possibly regulate would be the sulfur levels in the fuel that the vessels use.

### **Responses**

Could Maine require vessels to use shore-side power when in port?

Could there be voluntary agreements about the use of shore-side power?

The legislative report should indicate that this area has been reviewed and may require additional attention in the future.

## **OTHER ISSUES**

### **HAZARDOUS WASTE**

- No suggested changes to current statute or rule at this time. There is an existing statutory prohibition on discharge to waters of the State, with reporting requirements.

Notes: The "Alaska Law" would require that the owner or operator of a commercial passenger vessel provide the department with plan describing policies and procedures for disposing of hazardous waste or substances.

### **OIL**

- No suggested changes to current statute or rule at this time.

No discharge of oil contaminated effluent is currently permitted within 3 miles without a license meeting specified statutory criteria. Maine's existing statutory standard is stricter than federal law, and more work needs to be done to provide education and enforcement of the standard. This is unlikely to occur within existing resources

### **SOLID WASTE**

- No suggested changes to current statute or rule at this time. There is an existing prohibiting against putting refuse in the water at 38 MRSA 417(3).

Notes: The "Alaska Law" would require that the owner or operator of a commercial passenger vessel provide the department with plan describing policies and procedures for disposing of (non-hazardous) solid waste. This plan may describe procedures for off-loading within state or coastal waters. In Maine, disposal within coastal waters is currently prohibited.

### **INVASIVE SPECIES**

No suggested changes to current statute or rule at this time in this rapidly developing area, except for a recommendation that the membership of Maine's Invasive Species Task Force be expanded to include the Department of Marine Resources. DEP should follow the development of (1) mandatory ballast standards at the federal level, and (2) recognition of invasive species as a pollutant under the Clean Water Act, and propose changes in the future if warranted.

### **Responses (Other Issues)**

What about enforcement of current laws?

Could there be observers on the vessels?

Public education is a must for all issues. The information needs to get to the ship's captain. How would information get to the captains? Who would be sending out the information?

Do other ports have fees? If so, what are the fees?

Invasive species is a very important issue that must be addressed.

The legislative report should clarify Maine's statutory standards and relation to federal laws.

The legislative report should contain the following for each topic: (1) What other states are doing; (2) Current Maine law; (3) DEP recommendations; (4) other pertinent information.

### **GENERAL COMMENTS**

Is a memorandum of understanding with the cruise ships a possibility?

We don't want an MOU to become the only measure instead of a companion to the DEP recommendations.

If applications for NDZs (other than Casco Bay) are put off until 2007, the time should be used for other tactics.

The impacts on water quality from cruise ships should be determined before calling for NDZs everywhere.

Putting NDZs off until 2007 is too far off.

### **SUMMARY**

Hetty summarized what she'd heard about Strawman #2 (in general terms).

1. That there seemed to be general agreement on the need for NDZs, but disagreement on the time-frame.

There seemed to be a general agreement that having the kind of information a registration program would provide would be useful. However, there were a lot of comments/concerns/questions about fees, about making sure that paperwork requirements were not duplicated, about how information would be collected, implementation issues, political ramifications, etc. The registration proposal generated a lot of comments. There was a suggestion about requiring activity logs, apart from the registration proposal.

There was a sense that going for a change in federal law to allow licensing would be difficult. At least one person was not comfortable with the licensing approach, and would prefer these discharges to be simply prohibited.

2. There seemed to be general agreement on the graywater section.
3. There seemed to be general agreement on the remaining sections, with some change in emphasis. Some were particularly concerned about invasive species, and want to make sure someone is looking at it. There was a concern that the air issues may need to be evaluated. Some were concerned that a better job needs to be done of informing ship captains about existing requirements.